

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. [DELETED.]
3. OFFENSES AGAINST THE PERSON.
4. OFFENSES AGAINST THE PEACE AND QUIET.
5. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
6. FIREARMS, WEAPONS AND MISSILES.
7. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
8. MISCELLANEOUS.
9. PULASKI ANTI-LITTER ORDINANCE.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption of such beverage. (1977 Code, § 10-228)

¹Municipal code references

Animals and fowls: title 10.
 Housing and utilities: title 12.
 Fireworks and explosives: title 7.
 Traffic offenses: title 15.
 Streets and sidewalks (non-traffic): title 16.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

State law reference

See Tennessee Code Annotated § 33-8-203 (Arrest for Public Intoxication, cities may not pass separate legislation).

11-102. Minors in beer places. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1977 Code, § 10-222, as amended by Ord. #3, 2000, July 2000)

CHAPTER 2

[DELETED.]

This chapter was deleted by Ord. #3, 2000, July 2000

CHAPTER 3

OFFENSES AGAINST THE PERSON

SECTION

11-301. Assault and battery.

11-301. Assault and battery. It shall be unlawful for any person to commit an assault or an assault and battery. (1977 Code, § 10-201)

CHAPTER 4

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

11-401. Disturbing the peace.

11-402. Anti-noise regulations.

11-401. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1977 Code, § 10-202)

11-402. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) **Miscellaneous prohibited noises enumerated.** The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) **Blowing horns.** The sounding of any horn or other device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) **Radios, phonographs, etc.** The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) **Yelling, shouting, hooting, etc.** Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or

disturb the quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(1) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the governing body. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (1977 Code, § 10-233)

CHAPTER 5

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

11-501. Escape from custody or confinement.

11-502. Impersonating a government officer or employee.

11-503. False emergency alarms.

11-504. Resisting or interfering with an officer.

11-505. Coercing people not to work.

11-501. Escape from custody or confinement. It shall be unlawful for any person under arrest or otherwise in custody of or confined by the city to escape or attempt to escape, or for any other person to assist or encourage such person to escape or attempt to escape from such custody or confinement. (1977 Code, § 10-209)

11-502. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1977 Code, § 10-211)

11-503. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1977 Code, § 10-217)

11-504. Resisting or interfering with an officer. It shall be unlawful for any person knowingly to resist or in any way interfere with or attempt to interfere with any officer or employee of the municipality while such officer or employee is performing or attempting to perform his municipal duties. (1977 Code, § 10-210)

11-505. Coercing people not to work. It shall be unlawful for any person in association or agreement with any other person to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or reside for the purpose of inducing any such other person by threats, coercion, intimidation, or acts of violence to quit or refrain from entering a place of lawful employment. It is expressly not the purpose of this section to prohibit peaceful picketing. (1977 Code, § 10-230)

CHAPTER 6

FIREARMS, WEAPONS AND MISSILES

SECTION

11-601. Air rifles, etc.

11-602. Throwing missiles.

11-603. Weapons and firearms generally.

11-601. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1977 Code, § 10-213)

11-602. Throwing missiles. It shall be unlawful for any person to throw any stone, snowball, bottle, or any other missile maliciously upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1977 Code, § 10-214)

11-603. Weapons and firearms generally. It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brass knucks, pistol, revolver, or any other dangerous weapon or instrument except the army or navy pistol which shall be carried openly in the hand. However, the foregoing prohibition shall not apply to members of the United States Armed Forces carrying such weapons as are prescribed by applicable regulations nor to any officer or policeman engaged in his official duties, in the execution of process, or while searching for or engaged in arresting persons suspected of having committed crimes. Furthermore, the prohibition shall not apply to persons who may have been summoned by such officer or policeman to assist in the discharge of his said duties, nor to any conductor of any passenger or freight train of any steam railroad while he is on duty. This prohibition shall not apply to any person possessing a duly issued permit to carry a firearm so long as such firearms is possessed in a manner in conformance with such permit. It shall also be unlawful for any unauthorized person to discharge a firearm within the municipality. (1977 Code, § 10-212, as amended by Ord. #3, 2000, July 2000)

CHAPTER 7

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

11-701. [Deleted.]

11-702. Malicious mischief.

11-703. Interference with traffic.

11-701. [Deleted]. This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 10-221, as deleted by Ord. #3, 2000, July 2000)

11-702. Malicious mischief. It shall be unlawful and deemed to be malicious mischief for any person willfully, maliciously, or wantonly to damage, deface, destroy, conceal, tamper with, remove, or withhold real or personal property which does not belong to him. (1977 Code, § 10-225)

11-703. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1977 Code, § 10-232)

CHAPTER 8

MISCELLANEOUS

SECTION

11-801. Abandoned refrigerators, etc.

11-802. Caves, wells, cisterns, etc.

11-803. Posting notices, etc.

11-804. [Deleted.]

11-805. [Deleted.]

11-806. Malicious harassment.

11-801. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door. (1977 Code, § 10-223)

11-802. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1977 Code, § 10-231)

11-803. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1977 Code, § 10-227)

11-804. [Deleted]. (1977 Code, § 10-224, as deleted by Ord. #6, 2012, Sept. 2012)

11-805. [Deleted.]. This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 10-235, as deleted by Ord. #3, 2000, July 2000)

11-806. Malicious harassment. (1) Purpose. -- The City of Pulaski finds and declares that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of groups and individuals. It is not the intent of this act to interfere with the exercise of rights protected by the constitution of the United States or the constitution of the State of Tennessee. The City of Pulaski recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to

associate with others who share similar beliefs. The City of Pulaski further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

(2) Malicious harassment defined -- Prohibited. -- It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, or national origin, to:

(1) Cause physical injury to another person; or

(2) Damage, destroy, or deface any real or personal property of another person; or

(3) Threaten, by word or act, to do the act prohibited if there is reasonable cause to believe that any of the acts described in subsections (a) and (b) of this section will occur.

(4) Incite others, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections (a), (b) and (c) of this section will occur.

For purposes of this section "deface" shall include, but not be limited to, cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

(3) Penalties -- criminal and civil. -- (1) Malicious harassment is punishable by imprisonment in the city or county jail for the maximum period allowed by law or by the maximum fine allowed by law or by both.

(2) The penalties provided in this section for malicious harassment do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law. (1977 Code, § 10-236)

CHAPTER 9

PULASKI ANTI-LITTER ORDINANCE

SECTION

- 11-901. Definitions.
- 11-902. Litter in public places.
- 11-903. Placement of litter in receptacles so as to prevent scattering.
- 11-904. Sweeping litter into gutters prohibited.
- 11-905. Merchants' duty to keep sidewalks free of litter.
- 11-906. Litter thrown by persons in vehicles.
- 11-907. Truck loads causing litter.
- 11-908. Litter in parks.
- 11-908. Litter in lakes and fountains.
- 11-910. Throwing or distributing commercial handbills in public places.
- 11-911. Placing commercial and non-commercial handbills on vehicles.
- 11-912. Depositing commercial and non-commercial handbills on uninhabited or vacant premises.
- 11-913. Prohibiting distribution of handbills where properly posted.
- 11-914. Distributing commercial and non-commercial handbills at inhabited private premises.
- 11-915. Dropping litter from aircraft.
- 11-916. Posting notices prohibited.
- 11-917. Litter on occupied private property.
- 11-918. Owner to maintain premises free of litter.
- 11-919. Litter on vacant lots.
- 11-920. Clearing of litter from open private property by city.
- 11-921. Notice to be served upon owner.
- 11-922. Penalty.

11-901. Definitions. For the purposes of this ordinance the term "litter" shall have the same definition as ascribed thereto by the Tennessee Code Annotated as follows: litter also includes any abandoned refuse or material or items that have ceased to function in the manner for which they were manufactured or constructed. The following definitions shall also apply:

- (1) "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
- (2) "Litter" includes garbage, refuse, rubbish and all other waste material;
- (3) "Refuse" includes all putrescible and nonputrescible solid waste; and
- (4) "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

11-902. Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in the official city landfill as now or hereafter established. (Ord. #3, 1998, April 1998)

11-903. Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (Ord. #3, 1998, April 1998)

11-904. Sweeping litter into gutters prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Ord. #3, 1998, April 1998)

11-905. Merchants' duty to keep sidewalks free of litter. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep any sidewalk adjacent to such business premises free of litter, weeds and all vegetation. (Ord. #3, 1998, April 1998)

11-906. Litter thrown by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property. (Ord. #3, 1998, April 1998)

11-907. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit on any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. #3, 1998, April 1998)

11-908. Litter in parks. No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park

by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. #3, 1998, April 1998)

11-909. Litter in lakes and fountains. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city. (Ord. #3, 1998, April 1998)

11-910. Throwing or distributing commercial handbills in public places. No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it. (Ord. #3, 1998, April 1998)

11-911. Placing commercial and non-commercial handbills on vehicles. No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it. (Ord. #3, 1998, April 1998)

11-912. Depositing commercial and non-commercial handbills on uninhabited or vacant premises. No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. #3, 1998, April 1998)

11-913. Prohibiting distribution of handbills where properly posted. No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. #3, 1998, April 1998)

11-914. Distributing commercial and non-commercial handbills at inhabited private premises. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private

premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this ordinance, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and, except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(1) **Exemption for mail and newspapers.** The provisions of this section shall not apply to distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. #3, 1998, April 1998)

11-915. Dropping litter from aircraft. No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. (Ord. #3, 1998, April 1998)

11-916. Posting notices prohibited. No person shall post or affix any notice, poster, signage or other paper or device, calculated to attract the attention of the public, in or to any lamp post, city-erected landscaping planter or flower bed, public utility pole or shade tree, or upon any public structure or building, except as may be required by law. (Ord. #3, 1998, April 1998, as replaced by Ord. #8, 2018, Aug. 2018)

11-917. Litter on occupied private property. No person shall throw or deposit garbage, litter, refuse or rubbish on any occupied or unoccupied private property within the City of Pulaski, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles approved by the city for collection in such a manner that litter will be prevented from being carried or deposited, by the elements including water run "off" upon any street, sidewalk, or other public place or upon any private property. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

11-918. Owner to maintain premises free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in approved private receptacles that are erected in such a manner and of such size and height that the contents thereof are not visible to the general public and that such receptacles are regularly emptied by collection. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

11-919. Litter on vacant lots. No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

11-920. Clearing of litter from open private property by city. The director of safety, or his designee, is hereby authorized and empowered to give written notice to the owner or the person being in charge of any premises in the City of Pulaski, Tennessee, on which there is any litter in violation of this ordinance, which said notice shall direct said person to appear before the municipal court of the City of Pulaski, Tennessee, at a time and place to be fixed in said notice, and then and there show cause why the said litter should not be declared a nuisance, and an order issued requiring same to be removed.

If the litter is not removed within five (5) working days from notice a fine of not more than five hundred dollars (\$500.00) shall be imposed under this ordinance for each violation beginning on the sixth (6th) working day.

If the litter has not been removed after the tenth (10th) working day from notice then the litter would be removed by the City of Pulaski, and the cost of removal will be assessed to the property owner. (Ord. #3, 1998, April 1998, as amended by Ord. #1, 1999, March 1999)

11-921. Notice to be served upon owners. (1) The notice provided for in the foregoing section shall be served upon the owner of said property (or the person having same in charge, as the case may be), if he is known and can be found within the City of Pulaski, Tennessee, or its police jurisdiction, but if such person is not known or cannot be found within the City of Pulaski, Tennessee, or its police jurisdiction, service of said notice shall be effected by posting one copy thereof on the premises where said litter is found to exist, and the notice as herein provided for, shall be served or posted, as the case may be, at least five days before the date fixed for hearing before the municipal judge.

(2) The owner or person having in charge any such premises, who having been personally served with the notice provided for in § 11-920 hereof, who shall fail to comply with the order of the municipal judge requiring the removal of such litter, shall be guilty of violation of this section, and on conviction shall be punished as provided in this ordinance. (Ord. #3, 1998, April 1998)

11-922. Penalty. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined in an amount not less than \$25.00 and not to exceed \$100.00. (Ord. #3, 1998, April 1998)